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SUMMARY

On February 7, 2002, the Commission released an *Order* in this proceeding finalizing the terms of the earth station authorizations that provided Inmarsat with U.S. market access, opened the lower L-band for licensing to MSS systems, and modified MSV's license to allow it to use up to 20 MHz L-band spectrum. After a review *of* the *Order*, Inmarsat was concerned that some of the language in the *Order* could be misinterpreted and filed a limited petition for clarification.

Specifically, Inmarsat sought to clarify that (i) any attempt by MSV to coordinate L-band spectrum under the Mexico City MOU must be done in the ordinary course of the international coordination process and based on MSV's demonstrated need for spectrum for its satellite service – and not on the fact that it has a 20 MHz license from the Commission, and (ii) that nothing in the *Order* precludes earth station operators who wish to use Inmarsat's services in the U.S. from obtaining a license for such purpose from the Commission, regardless *of* whether MSV has successfully coordinated 20 MHz of L-band spectrum. These clarifications are consistent with the Commission's objectives in the *Order* and have not been opposed by any commenter. Therefore, Inmarsat requests that the Commission grant its petition.

MSV first replied to the Inmarsat petition for clarification on March 25. Instead of addressing the clarifications sought by Inmarsat, MSV used its March 25 reply comments to argue that the Commission should inexplicably extend the *Order* to restrict Inmarsat's ability to coordinate more than 20 MHz of L-band spectrum, if the Commission refused to reconsider its decision limiting MSV's newly-modified license to 20 MHz of L-band spectrum. In MSV's subsequent petition for reconsideration and second response to Inmarsat's petition, filed in September, MSV once again asserts the exact same proposal.

Inmarsat rebutted MSV's arguments in its April 5 response and expands upon its rebuttal in this pleading. As discussed in detail herein, MSV's proposal is both unlawful and contrary to the public interest. The Commission should reject MSV's proposal because such a restriction on Inmarsat would (i) impermissibly infringe upon the jurisdiction of foreign administrations, (ii) disrupt the current provisioning of Inmarsat services to U.S. customers such as the U.S. Navy, Coast Guard and FAA and thereby disserve the public interest, and (iii) undermine Inmarsat's ability to coordinate spectrum under the Mexico City MOU and thereby contravene both the ITU Radio Regulations and that coordination agreement. Moreover, the Commission has already considered and rejected this type of proposal in this proceeding and there is no reason for the Commission to revisit the issue.

As Inmarsat has previously indicated, Inmarsat does not advocate a spectrum cap on MSV or any other L-band operator. Nevertheless, if the Commission maintains its cap on MSV and further adopts MSV's unfounded proposal to impose a spectrum cap on Inmarsat, the Commission's cap on MSV must be based on the *combined* operations of MSV and MSV Canada. Such a combined limit would be consistent with the *Order* in which the Commission recognizes the joint nature of MSV's and MSV Canada's operations. Moreover, it would be irrational to modify the Order as MSV proposes. Inmarsat would be limited to 20 MHz, while MSV would be able to use 40 MHz of spectrum based on a 20 MHz assignment to MSV by the Commission and a 20 MHz assignment to MSV Canada by Industry Canada, which MSV can enjoy the use of through its joint venture with MSV Canada. Therefore, if the cap on MSV is maintained, MSV's use of MSV Canada capacity should be attributed to MSV for the purposes of the cap.

language, if taken out of context, could be misinterpreted. On March 11, 2002, Inmarsat filed a limited petition for clarification, which is discussed in more detail below.⁴

On March 25, 2002, MSV filed reply comments that were completely non-responsive to Inmarsat's petition.⁵ In its filing, MSV failed to object to or even address the clarifications sought by Inmarsat. Instead, MSV argued that the Commission should extend the *Order* beyond any plain reading to restrict Inmarsat's ability to coordinate more than 20 MHz of L-band spectrum, if the Commission refused to adopt MSV's request to reconsider its decision to limit MSV's newly-modified license to 20 MHz of L-band spectrum.⁶ Inmarsat rebutted MSV's arguments in its April 5, 2002 response and explained why such a restriction on the U.K.-licensed Inmarsat system not only would be unlawful but also would disserve the public interest by reducing service to existing Inmarsat customers.⁷

In the *MSVPetition* and the *MSV Opposition*, MSV once again argues to expand the *Order* far beyond its terms and asks the Commission to impose restrictions on Inmarsat that have no basis in law or fact.⁸ The *MSVPetition* makes the same arguments MSV raised in its

⁴ See Petition for Clarification of Inmarsat Ventures plc, IB Docket No. 96-132 (filed March 25, 2002) (the "*Inmarsat Petition*"). The *Order* modified the earth station licenses of Inmarsat's U.S. service providers and MSV's license as well as adopted new rules. Pursuant to § 1.106(f) of the Commission's rules, petitions for reconsiderations must be filed within 30 days from the date of public notice of final action. Pursuant to § 1.4(b) of the Commission's Rules, for non-rulemaking aspects of decisions, such as license modifications, the 30 day period starts upon the release of the order. As a result, petitions for reconsideration of the licensing aspects of the *Order* were due on March 11, 2002.

⁵ See Reply of Mobile Satellite Ventures Subsidiary LLC to Petition for Clarification of Inmarsat Ventures plc, IB Docket No. 96-132 (filed March 25, 2002) ("*MSVReply*").

⁶ *MSV Reply* at 3

⁷ See Response of Inmarsat Ventures plc, IB Docket No. 96-132 (filed April 5, 2002). ("*InmarsatResponse*"). Inmarsat incorporates by reference all of the arguments made in that response.

⁸ *MSVPetition* at 13-14; *MSVResponse* at 4-5.

March 25 filing. In its opposition, MSV responds a second time to Inmarsat's petition and in doing so again repeats the same arguments.' Inmarsat requests that the Commission consider this pleading as both an opposition to the *MSVPetition* as well as a reply to the *Oppositions* of MSV and MSV Canada.''' Allowing Inmarsat to oppose the *MSVPetition* at this time will not harm MSV. The issues in the *MSVPetition* to which Inmarsat objects are the very same issues that were raised and briefed in response to the *Inmarsat Petition* back in March. MSV was aware of Inmarsat's objections at the time MSV filed its petition, and those objections are already in the record. Thus, to the extent necessary, Inmarsat requests leave to submit these arguments in opposition to the *MSVPetition*. Nevertheless, the content of this reply is fully responsive to MSV's and MSV Canada's *Oppositions* as well.

DISCUSSION

I. The Clarifications Sought By Inmarsat Are Undisputed And Should Be Granted

To avoid misinterpretation of the *Order*, Inmarsat has sought to clarify that (i) any attempt by MSV to coordinate L-band spectrum under the Mexico City MOU must be done in the ordinary course of the international coordination process and based on MSV's demonstrated need for spectrum for its satellite service – and not on the fact that MSV has a 20 MHz license from the Commission, and (ii) that nothing in the *Order* precludes earth station operators who wish to use Inmarsat's services in the U.S. from obtaining a license for such purpose from the

⁹ See *MSVResponse* at 4-6; *MSV Opposition* at 4-6.

¹⁰ It is the practice of the Commission to release a Public Notice describing the filing of any reconsideration petition of a rulemaking decision, indicating that Federal Register publication of such reconsideration petition is forthcoming. That did not occur in this case. The September 13, 2002 dated Report 2575 describing the reconsideration petitions in this proceeding has never been listed in the Daily Digest. Berry Best routinely receives a copy of every Commission release. However, Berry Best has indicated to counsel that as of October 11, 2002, it had not received a copy of Report 2575 from the Commission, and it therefore has not included that report in its database of FCC releases.

Commission, as authorized in the *Inmarsat Market Access Order*,” regardless of whether MSV has successfully coordinated 20 MHz of L-band spectrum.”

In none of their filings, has MSV or MSV Canada objected to Inmarsat’s specific requests. To the contrary, MSV Canada has stated that “[t]here is strong agreement among L-band operators that the FCC continue to let the Mexico City MOU process prevail for allocation of spectrum among the system operators”¹³ Inmarsat agrees that MSV and MSV Canada must continue coordinate the use of L-band spectrum under the MOU based on the demonstrated need for their satellite services.¹⁴

Moreover, neither MSV or MSV Canada has commented on Inmarsat’s request that the Commission clarify that earth station operators accessing Inmarsat’s services in the U.S. will not be restricted by the *Order*. In fact, in all three of its pleadings, the *MSVReply*, the *MSV Petition*, and the *MSV Opposition*, MSV has simply ignored Inmarsat’s requested clarifications. Because these clarifications are consistent with the *Order* and uncontested by all commenters, Inmarsat urges the Commission to grant its petition for clarification.

II. MSV’s Request To Cap Inmarsat’s Use of Spectrum Is Unlawful and Contrary to the Public Interest

MSV used its March 25 reply to the *Inmarsat Petition* as a procedurally-defective “springboard” for asking the Commission to impose restrictions on Inmarsat’s ability to

¹¹ See *In re COMSAT Corporation, et al.*, *Order*, FCC 01-272 (released October 9, 2001) (“*InmarsatMarket Access Order*”).

¹² See *Inmarsat Petition*. The reasons for the clarifications are set forth in more detail in the *Inmarsat Petition* and have not been disputed.

¹³ *MSV Canada Opposition* at 3.

¹⁴ If the Commission allows the use of ancillary terrestrial components (“ATC”) in the L-band, such usage is not contemplated by the MOU and should not be considered as a basis for the coordination of spectrum under the MOU proceedings.

coordinate L-band spectrum.¹⁵ Inmarsat responded to this argument in the April 5, 2002

Inmarsat Response. MSV again raises this same issue in its petition for reconsideration,

In the *Order*, the Commission provided MSV with access to the lower L-band for the first time, and simultaneously imposed a 20 MHz cap on the amount of spectrum MSV is licensed to use in the L-band.¹⁶ The purpose of the limit is to provide an opportunity for other prospective U.S. licensed satellite systems to use any L-band spectrum that MSV may be able to coordinate under the Mexico City MOU in excess of the 20 MHz licensed to MSV.¹⁷ Contrary to what MSV implies, the *Order* does not contemplate limiting the amount of L-band spectrum that non-U.S. licensed satellite systems are allowed to use. MSV, however, has attempted to manipulate the language and objectives of the *Order* in an attempt to impose a legally baseless and harmful limit on the amount of spectrum that Inmarsat is allowed to coordinate.” Inmarsat, like MSV’s partner, MSV Canada, vehemently opposes any attempt by the Commission to limit the amount of spectrum that a non-U.S. licensed satellite system may coordinate.¹⁹

As discussed in the *Inmarsat Response*²⁰ and further herein, the Commission should reject MSV’s proposal because such a restriction on Inmarsat would (i) impermissibly infringe upon the jurisdiction of foreign administrations, (ii) disrupt the current provisioning of Inmarsat services and thereby disserve the public interest, and (iii) undermine Inmarsat’s ability to coordinate spectrum under the Mexico City MOU and thereby contravene both the ITU Radio Regulations and that coordination agreement. Moreover, the Commission has already

¹⁵ See *Order* at ¶ 19; see also *Inmarsat Response* at 2, n.6.

¹⁶ See *Order* at ¶ 19.

¹⁷ *Id.* at ¶¶ 19 and 20.

¹⁸ See *MSVReply* at 3; *MSVPetition* at 13-14; *MSVResponse* at 4-6.

¹⁹ See *MSV Canada Petition* at 3-4.

²⁰ See *Inmarsat Response* at 3-7.

considered and rejected this type of proposal and there is no reason for the Commission to revisit this issue.

A. *The Commission Lacks Licensing Authority Over Non-U.S.-Licensed Satellites*

As an MSS operator licensed in the U.K., Inmarsat is subject to regulation by the Radiocommunications Agency, which licenses the amount and type of spectrum that Inmarsat is authorized to use. The Commission has the authority to regulate the amount of L-band spectrum that is assigned to a U.S. licensed satellite system, but appropriately has determined that it has no basis to relicense the satellite networks that fall within the jurisdiction of other administrations. Inmarsat agrees with MSV Canada that “any spectrum cap that the FCC deems appropriate to apply to a U.S. licensed L-band operator should only relate to that licensee and not to spectrum or systems licensed by other administrations.”²¹ Instead, as the U.S. has recognized, the appropriate method of coordinating the usage of L-band spectrum between U.S.-licensed and non-U.S.-licensed MSS satellite systems is through the Mexico City MOU.

MSV argues the novel concept that if MSV is limited to 20 MHz of spectrum, then *DISCO II*²² requires that all foreign operators should be limited to 20 MHz.²³ This argument is baseless and misinterprets the requirements of *DISCO II*. Under *DISCO II*, in general, non-U.S.-licensed satellite operators are required to comply with all service rules generally applicable to U.S. operators, such as the provision of priority access to safety

²¹ *MSV Canada Petition* at 3

²² Amendment of the Commission’s Regulatory Policies to Allow Non-U.S. Licensed Satellites Providing Domestic and International Service in the United States, *Report and Order*, 12 FCC Rcd 24094 (1997) (“*DISCO II*”).

²³ *MSVReply* at 3; *MSVPetition* at 13-14; *MSVResponse* at 5

services.²⁴ *DISCO II* does not require that every restriction placed on each U.S. operator's license be imposed upon all foreign operators. Such a result would be absurd. If MSV's assertion were true, then the Commission would not be able to tailor license restrictions that address the idiosyncrasies of a U.S. satellite operator's system without automatically and unintentionally affecting all foreign operators.

The Commission has long recognized that MSV will never be able to coordinate 28 MHz of spectrum in the upper L-band. Thus, the Commission determined in this proceeding to open the lower L-band to MSV as well. But in opening additional spectrum for use by MSV, the Commission determined not to foreclose its ability to license other U.S.-sponsored space stations to operate in the lower L-band.²⁵ Thus, in exchange for access to the lower L-band, the Commission, based on an assessment of MSV's system,²⁶ modified MSV's license to limit the amount of L-band spectrum MSV could use to 20 MHz. And the Commission provided that any excess spectrum coordinated under the MOU could be licensed to other U.S. operators, if those other U.S. space station licensees "believe that there is sufficient L-band spectrum available to implement a system."²⁷

The license condition imposed by the Commission is specific to MSV and by its very terms does not apply to any other current or potential MSS operator. It is not a general rule or policy that applies across the board to all MSS systems licensed by the U.S. Thus, there is no "parity" issue under *DISCO II*, as MSV asserts.

²⁴ See *DISCO II* at ¶ 173.

²⁵ *Order* at ¶ 19.

²⁶ *Id.*

²⁷ *Id.* at ¶ 20.

Moreover, if the Commission were to attempt to expand the application of this license condition more broadly to all MSS operators, that fundamental shift in the regulation of the L-band would need to be addressed in a separate notice and comment rule making proceeding. In its licensing decision, the Commission has balanced the needs of MSV with the public interest considerations raised by opening the lower L-band to MSV and, in doing so, has sought fit to impose a license condition on MSV. There is no reason to, or basis for, extending this condition to any other MSS operator.

B. MSV's Proposal Would Cut-off Existing Inmarsat Services

As discussed in the *Inmarsat Response*, placing a limit on the amount of spectrum that Inmarsat is allowed to coordinate internationally would disrupt the service that Inmarsat currently provides to end users.²⁸ Inmarsat presently uses significantly more than 20 MHz of L-band spectrum to provide its services in and around the U.S. and over neighboring waters. Inmarsat provides a wide range of safety, business, and consumer services to customers such as the U.S. Navy, the U.S. Coast Guard, most major airlines, transoceanic ships, businesses, farmers and various other users. Inmarsat anticipates that its services will continue to grow, particularly as a result of the recent opening of the U.S. market to Inmarsat's services.

Imposing an arbitrary 20 MHz limit on the amount of spectrum that Inmarsat is allowed to coordinate would result in Inmarsat decreasing services to some existing users. The U.S. military, U.S. airlines and U.S. shipping lines, all of which rely upon Inmarsat for communications and safety services, therefore could be adversely affected. MSV has not even attempted to address in its pleadings how the Commission could suddenly impose such an arbitrary cap that would reduce Inmarsat spectrum and disrupt existing Inmarsat services.

²⁸ *Inmarsat Response* at 3-4.

In stark contrast, MSV has not asserted that its existing services would be adversely affected in any way by the 20 MHz limit imposed by the Commission. At most, MSV has stated that “MSV *may need* access to 28 MHz of spectrum to adequately and profitably serve its present and projected customer needs.”²⁹ Based on Inmarsat’s experience, the combined MSV/MSV Canada joint venture uses far less than the aggregate amount of spectrum assigned to MSV and MSV Canada in the Mexico City MOU process, and far less than the 20 MHz currently authorized by the Commission.

Recognizing MSV’s current projected usage, the Commission may have reason to reserve for another U.S. space station licensee any spectrum that MSV coordinates beyond the 20 MHz authorized to MSV,³⁰ but no such similar logic can or should be applied to Inmarsat. Inmarsat currently **uses** significantly more than 20 MHz to meet the demands of its end users. As contemplated by the Mexico City MOU, the amount of spectrum coordinated for the U.K licensed Inmarsat system is dictated by the amount of capacity that Inmarsat demonstrates that it needs, and may not be limited by the FCC.

C. *MSV’s Proposal Is Antithetical To The Mexico City MOU*

MSV’s proposal is also a legally unsustainable attempt to handicap Inmarsat in the international coordination negotiations. As discussed fully in the *Inmarsat Response*, it would be antithetical to the Mexico City MOU for the U.S. to try to limit directly or indirectly the amount of spectrum that Inmarsat is allowed to coordinate.³¹ The Mexico City MOU was entered into by five different administrations pursuant to the ITU Radio Regulations as a solution

²⁹ *MSVPetition* at 10 (emphasis added).

³⁰ *See Order* at ¶ 19.

³¹ *Inmarsat Response* at 4-6.

to complex coordination issues. The Commission should not allow MSV to attempt to use the U.S. regulatory process to stack the cards in its favor for the MOU negotiation process.

As discussed in the *Inmarsat Response*, the U.S. has plenary power to determine how much spectrum it plans to coordinate for U.S. space station licensees, such as MSV, in the international coordination process. **As** with the licensing of spectrum, however, it is not appropriate for the Commission dictate a limit on the amount of spectrum Inmarsat can coordinate under the MOU. The Inmarsat system is sponsored by the United Kingdom, and it is the United Kingdom alone that has the ability to determine the scope of spectrum coordination for U.K.-sponsored systems under the MOU. Any attempt to circumvent this process by directly limiting the amount of spectrum that could be licensed to a foreign operator is beyond the FCC's authority.

Nor should the Commission undermine Inmarsat's coordination of spectrum under the MOU by limiting its usage of spectrum in the U.S. **As** discussed above, if the Commission were to impose an artificial limit on Inmarsat of 20 MHz of spectrum in the U.S., Inmarsat's services would be immediately impaired because Inmarsat already uses substantially more than 20 MHz. Use of Inmarsat's services would decrease because Inmarsat would not have the capacity to meet the demands of its U.S. end users. As a result, Inmarsat might not be able to demonstrate as great a need for spectrum in the next international coordination meeting. MSV, who currently uses less than 20 MHz, would be allowed to grow its system, but Inmarsat would be constrained in its ability to serve its existing customers and virtually precluded from adding additional U.S. customers. Such a result would be patently unfair and contrary to foundations of the Mexico City MOU.

As the Commission has already recognized in granting market access to Inmarsat, Inmarsat should be allowed to continue to provide services to U.S. customers using the spectrum it has coordinated in the international process.³² MSV's proposal here is nothing but a thinly-veiled attempt to unfairly hobble Inmarsat's service to MSV's advantage.

D. *Limiting Inmarsat's Spectrum Usage Has Been Previously Proposed And Rejected*

Finally, as discussed in the *Inmarsat Response*, the Commission should reject MSV's proposal because the issue was previously raised in this proceeding and the Commission declined to limit Inmarsat's use of spectrum.³³ In this proceeding, the Commission considered the comments of various parties³⁴ including COMSAT Corporation, which specifically urged the Commission not to limit the choices of U.S. consumers by displacing access to Inmarsat services through this rulemaking.³⁵ Having reviewed the positions of the parties, the Commission decided not to impose any such limitations on Inmarsat in the *Order*. This result is fully consistent with the Commission's determination and commitment in the *Inmarsat Market Access Order* that "[t]he authorizations we grant here allowing the applicants to operate with Inmarsat in the lower L-band will not be significantly affected by policies adopted in the *Lower L-band* proceeding."³⁶ The issue raised by MSV's current request has already been considered and rejected. There is no good reason for revisiting this issue now.

³² See *Inmarsat Market Access Order* at ¶ 72 ("[s]pectrum limitation concerns are best addressed in the L-band coordination process").

³³ See *Inmarsat Response* at 6-7.

³⁴ See *Order* at n. 16.

³⁵ See Comments of COMSAT Corporation, IB Docket No. 96-132 at 2 (filed September 17, 1996).

³⁶ *Inmarsat Market Access Order* at ¶ 81.

III. MSV and MSV Canada Must Be Considered Together Under Any Cap

As stated in its April 5 response, Inmarsat has not advocated for a cap on any L-band satellite operator, and Inmarsat believes that MSV should simply be required to adhere to the coordination procedures and process under the MOU in which the assignment of L-band spectrum is based on the demonstrated demand for an operator's satellite services. Nevertheless, should the Commission maintain its cap on MSV and further adopt MSV's unfounded proposal to impose a spectrum cap on Inmarsat, the Commission must apply this cap on the **combined** operations of MSV and MSV Canada. A combined limit would be consistent with the **Order** in which the Commission notes "should MSV acquire access to at least 20 megahertz of L-band spectrum through other means, *i.e.* its proposed merger with TMI, we find that the public interest benefit derived from reserving the additional spectrum to enable the creation of competitive MSS providers outweighs any benefits that might stem from assigning additional L-band spectrum to Motient."³⁷ It would be irrational to modify the **Order** as MSV proposes. Inmarsat would be limited to 20 MHz, while MSV would be able to use 40 MHz of spectrum based on a 20 MHz assignment to MSV by the Commission and a 20 MHz assignment to MSV Canada by Industry Canada, which MSV can enjoy the use of through its joint venture with MSV Canada.

MSV Canada argues that attributing MSV Canada spectrum to MSV would place an improper limitation on its Canadian-issued license.³⁸ This is not accurate. MSV Canada is free to operate an MSS system separate and apart from MSV and to use whatever spectrum it is able to coordinate under the MOU for such purpose. However, to the extent that MSV is using MSV Canada's satellite capacity to provide MSS services, that underlying spectrum should be

³⁷ **Order** at ¶ 19.

³⁸ **MSV Canada Response** at 2.

attributed to MSV for purposes of any cap the Commission maintains.” Otherwise, MSV could coordinate up to 20 MHz of spectrum under the MOU while effectively “leasing” access to additional spectrum from MSV Canada. If MSV Canada’s spectrum is not attributed to MSV, MSV could utilize far more than 20 MHz. Such a result would be clearly contrary to the objectives of the *Order*.

CONCLUSION

Inmarsat in its petition sought to clarify that (i) any attempt by MSV to coordinate L-band spectrum under the Mexico City MOU must be done in the ordinary course of the international coordination process and based on MSV’s demonstrated need for spectrum for its satellite service – and not only its 20 MHz license, and (ii) that nothing in the *Order* precludes earth station operators who wish to use Inmarsat’s services in the U.S. from obtaining a license for such purpose from the Commission, regardless of whether MSV has successfully coordinated 20 MHz of L-band spectrum.

³⁹ MSV Canada claims that Inmarsat seeks to “have it both ways” by advocating that MSV Canada’s spectrum should be attributed to MSV. *See MSV Canada Opposition* at 2. To the contrary, Inmarsat’s position is entirely consistent. Inmarsat does not advocate that the FCC cap MSV Canada’s or MSV’s spectrum. However, if the Commission imposes a cap on MSV, the FCC should consider how much of MSV Canada’s spectrum MSV is enjoying through its shared capacity arrangements with MSV Canada. “Attributing” such spectrum to MSV would be consistent with the way the Commission attributes ownership of a television station in certain cases to an entity that is able to program more than 15% of the broadcast time on a given station. *See* 47 C.F.R. § 73.3555, note 2 para. (i).

In its opposition to Inmarsat's petition and in its own petition, MSV has sought a new limit, not contemplated by the *Order*, on the L-band spectrum that Inmarsat is allowed to coordinate. This issue was previously considered and rejected in this proceeding and for good reason. Based on the current operation and spectrum needs of Inmarsat, reducing Inmarsat's spectrum would disrupt service to end users and therefore disserve the public interest. Moreover, any such limitation would also be beyond the jurisdiction of the Commission, contrary to the ITU Radio Regulations and the Mexico City MOU, would unfairly advantage MSV in international coordination negotiations.

Therefore, Inmarsat urges the Commission to deny the *MSV Petition* and to adopt Inmarsat's proposed clarifications.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gary M. Epstein", written over a horizontal line.

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October 17, 2002

CERTIFICATE OF SERVICE

I, Justina Uram, hereby certify that on this 17th day of October, 2002 copies of the attached Consolidated Response and Opposition of Inmarsat Ventures plc, were either hand delivered (*) or sent by first class postage pre-paid mail, to the following:

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